

January 20, 1995



Sheriff/Director Jim Montgomery
King County Department of Public Safety
King County Courthouse
Seattle, WA 98104

Dear Jim:

Please find enclosed a copy of my review of the Internal Affairs Unit. As the report indicates, there are many things that the Department is doing right regarding discipline. My suggestions are intended to only improve the system. I would be happy to meet and discuss the report in more detail. Also, I thought Lt. Robin Fenton was extraordinary in her willingness to help me to assess the current system.

Best regards.

Yours truly,

A handwritten signature in dark ink, appearing to read "T. Carroll", written over a horizontal line.

Judge Terrence A. Carroll, ret.

cc: Lt. Robin Fenton

REVIEW OF POLICIES AND PROCEDURES OF THE INTERNAL INVESTIGATIONS UNIT WITHIN THE KING COUNTY DEPARTMENT OF PUBLIC SAFETY

I. INTRODUCTION

I was requested by the King County Executive and Director of the King County Department of Public Safety (KCDPS) to undertake a review of the policies and procedures within the KCDPS relating to the Internal Investigation Unit (IIU). In the course of research for this report I met with staff persons within IIU, the Director, the various precinct captains and representatives of the police officers bargaining units. Also, I was given access to statistical data relative to the work of IIU, and the written policies governing its work. In addition I discussed the KCDPS complaint procedures with the King County Prosecuting Attorney's Office-- which is charged with representing the Director in appeal procedures.

All my requests for information were appropriately addressed and reasonable efforts were made to provide answers to my questions. There was no lack of cooperation with my inquiries at any level of KCDPS.¹

II. OVERVIEW OF COMPLAINT SYSTEM

The organization and structure of the Internal Investigations Unit within the KCDPS are fairly typical for a department of

¹ In particular the current commander of IIU went out of her way to provide data in a prompt manner in response to my inquiries.

approximately 600 persons.² There are written policies (Index to Chapter 10.40 of the King County Police Manual--attached, ex.A) which specify the investigation of complaints and discipline procedures.

The system attempts to place minor allegations of misconduct at the precinct level for purposes of investigation. More serious matters are investigated by IIU staff. The investigations are usually completed and a decision made within 30 days.³ In cases where IIU conducts the investigations, efforts are made to tape record statements of witnesses (including officers). Anonymous complaints are accepted. A completed investigation is reviewed and recommendations made by the subject officer's section commander and division chief with ultimate decision authority (as to both finding and punishment) by the Director. The IIU commander reviews all completed investigations for thoroughness and can make recommendations to the Director as well.

The total number of recorded complaints against KCDPS officers does not appear extraordinary. In 1993 there were 168 complaints with 39 investigated by IIU.⁴ The numbers for 1994 were 176 and 48, respectively. The rate of sustained complaints appears above

² I reach this conclusion as a result of my research pursuant to my role as Internal Investigations Auditor for the Seattle Police Department and in conjunction with course work as an adjunct professor in the Criminal Justice Department at Seattle University.

³ This is exemplary and a major strength of the current system. Delay in investigating is unfair to both the officer and the complainant.

⁴ Please understand that some complaints involve more than one allegation of misconduct.

the national average (see attached ex. B). Although recordkeeping within IIU is primarily maintained by hand entries, reasonable efforts are maintained to categorize complaints by their type and location (see, e.g., attachment, ex. C). Also, a log is kept on investigated complaints and dispositions against individual officers. On balance, there is much to be commended in the current discipline structure within KCDPS.

Another measure of police misconduct relates to claims and lawsuits brought by citizens against KCDPS. Here, both the total number of claims and dollars paid in settlement are not cause for alarm.

III. Possible Problem Areas

A. There appears to be too much discretion at the supervisory level in deciding whether a complaint is potentially a violation of rules or procedures. Whether a complaint is investigated should be decided by IIU. The supervisor's role should be to merely forward the complaint to IIU. There are two primary reasons for this. First, whether a complaint is worthy of investigation should be determined in a regular, concise and objective fashion. Supervisors, whose responsibilities are many, are not always in the appropriate position to make that initial decision. Second, IIU is in the best and most logical position to log every complaint and to then direct the level of investigation. Whether or not a complaint is investigated as a violation of police procedures does not change

its essence as a complaint and the necessity to record it.⁵

B. There doesn't appear to be much public information about the complaint process. Public confidence in the internal discipline process of a police department is essential to the ability of the department to carry out its functions. Without such respect communities frequently opt for civilian review boards to replace the internal review process.

Open and regular reporting of the complaint process is the best antidote to public suspicion. Ideally, a person or group, outside of county government and having knowledge of police work, should be able to regularly review the discipline process and report to the public. The focus of this review would be to inform the public of what is happening with the discipline of KCDPS officers. Access to information would be essential and, in addition to statistical data, suggestions for either improving the system or the extent of outside review would be a regular part of the reporting process.

Similarly, the brochure, which specifies the mechanics of making a complaint, should be redone (ex.D). It could be read as discouraging complaints that involve the criminal justice system.

⁵ Note the Seattle Police Department regularly logs approximately 1000 "complaints" per year for 1200+ sworn officers. However, over one half of these "complaints" are categorized as contact logs for which there is not an investigation. Whether KCDPS has similar, proportional "complaints" is impossible to know without logging every complaint. However, it is not credible to me that the KCDPS had merely 176 persons complain in 1994.

Also, the process within KCDPS after receiving a complaint should be spelled out for citizens.⁶

C. Incidents of misconduct that are appealed by the officer beyond the decision of the Director do not fare well for KCDPS. It is a prevailing view within KCDPS that it is to an officer's advantage to appeal the Director's decision. The instances where an officer has not bettered his/her position by filing a "grievance" are few and far between. It is generally believed by officers and their supervisors that a subject officer's legal representation proves an advantage in the appeal process to an overworked deputy prosecutor. Steps have been taken recently by the King County Prosecutor to improve the situation and make sure deputies are given adequate training in labor relations and time to prepare their cases. This is critical. Unless the Director can have confidence in a decision, he/she is hamstrung in the disciplinary role and may be reluctant (consciously or not) to impose severe sanctions for fear of reversal in the grievance procedure.

D. Collateral to the discussion in Section C, there is the potential that allegations of misconduct can be investigated outside of IIU. For example, there is a KCDPS employee (outside of IIU) assigned to investigate EEOC complaints within KCDPS along

⁶ Although not a major matter, I note that the telephone number for IIU is not listed in the telephone book.

with IIU. It would be far more preferable for such matters to be investigated under "one roof," i.e. IIU even if it means additional training or staff. EEOC concerns can lead to the disciplining of officers and are certainly matter of public concern. To permit such investigation outside of IIU can lead to confusion and a variety of investigative approaches. Likewise, it is my understanding the Ombudsman's office and Office of Civil Rights & Compliance have authority to investigate complaints within KCDPS. It is difficult to justify this type of dispersion of the investigative role.

Similarly, an officer who files a "grievance" (appeal) can face different legal counsel depending on the nature of the misconduct. If it involves working conditions, the Office of Human Resource Management (OHRM) represents the Director. If policies and procedures were violated (the more common circumstance), the prosecutor will take the Director's position. This should be simplified and clarified.

E. There are some departmental policies and practices which can impede effective discipline.⁷

1. Officers can remain indefinitely at a particular precinct or on a particular assignment or shift. Although contact

⁷ Note that, independent of my work, the Director formed an IIU work committee to review policies for the handling of complaints. Recommendations have been made regarding the format for investigations, receiving citizen complaints, third party complaints, and response letters. This type of "internal review" should be a regular component of the disciplinary process.

with and knowledge of a community is important to police work, the Director should have more discretion to assign officers. The experience nationally suggests that permitting officers to remain too long at a precinct can affect discipline. Given the significant authority of precinct commanders in this discipline system (especially with minor complaints), I think it is far healthier to lessen the potential for conflict among entrenched interests at the precinct level.

2. The assignment to IIU should be viewed as an important advancement in an officer's career. Appropriate training and resources should be provided to this unit. At a minimum, computerization and appropriate programming needs to be accomplished promptly. A highly regarded IIU, which produces prompt, fair and professional investigations is the most important part of the discipline process. Although I believe the current staff at IIU is highly competent and professional, they carry a history where this unit has not been highly regarded within the department. Similarly, since most investigations are done at the precinct level, proper training of supervisors and adequate resources are essential. Quality investigations take time. If supervisors have too many responsibilities, it will show in the quality of their investigations.

3. Some excessive force complaints are handled at the precinct level. This is fraught with potential problems. The use of force by the police is a common source of serious concern by the public. Rather than attempt to "weigh" the seriousness of the

allegation at the precinct level, the better practice is to take every excessive force complaint seriously and require an IIU investigation.

IV. Recommendations

A. IIU alone should decide which complaints are investigated and whether the precinct should conduct the investigation.

B. Every complaint should be logged regardless of whether an investigation is conducted.

C. A person or group, outside of county government, should regularly review the policies and practices of the KCDPS discipline system and report to the public. Also, the brochure provided the public should be updated.

D. Highly trained legal counsel for the Director must be maintained when a grievance is filed.

E. IIU should supervise the investigation of all allegations against officers, including EEOC matters.

F. The Director should have appropriate discretion to transfer officers within the KCDPS.

G. Adequate training and resources need to be devoted to the investigative process. Computerization of record keeping is critical.

H. IIU only should investigate all excessive force complaints.

Dated this 19 day of January, 1995

Respectfully submitted,


Terrence A. Carroll

**PERSONNEL COMPLAINT INVESTIGATION
AND
DISCIPLINARY PROCEDURES
MANUAL**



KING COUNTY POLICE

EX. A.

**KING COUNTY POLICE
PERSONNEL COMPLAINT MANUAL
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COMPLAINT INFORMATION**BASED ON NUMBER OF COMPLAINANTS**

(separate allegations within complaints not counted separately)

	<u>1993</u>	<u>1994</u>
Total Complaints	168	176
Number Assn'd to IIU	39	48
% Assn'd to IIU	23.2%	27.2%
Number Sustained by IIU	21	20
% Sust'd of Assn'd IIU	53.8%	42.6%
Number Assn'd Out (Pcts., etc.)	129	128
% Assn'd Out	76.8%	72.7%
Number Sustained by Outside Units	36	22
% Sust'd of Assn'd Outside Units	27.9%	17.2%
IIU Assignments Not Yet Completed		10
Outside Assignments Not Yet Completed		13

Ex. B

COPY

Internal Investigations Unit Quarterly Report

1st Quarter 1994

Distribution of Complaints	Conduct	Courtesy	Criminal	Force, Excessive	Force, Unnecessa	Vehicle Operator	Inefficiency	Insubordination	Procedures	Sexual Harassme
Precinct 2		2			1				1	
Precinct 3	2	1			1					
Precinct 4	3	3	3	1					2	
Precinct 5	5	2	1		2				4	
Spec. Ops.	1	1								
H.Q. CID	1	1			1				1	
H.Q. TSD		3	2						1	1
Comm. Ctr.								2		
Total	12	13	6	1	5			2	9	1
Disposition										
Sustained	2	1	1					2		
Non Sustained	1	9							1	
Exonerated	5	1	2	1	3				7	
Unfounded	2	2	2		1				1	
No Finding	2		1		1					1
Action Taken										
No Action										
Oral Reprimmand /Memo of CC		1						2		
Written Reprimmand	1									
Suspension										
Demo*										
Termin.	1		1*						1	

Complaint Comparisons			
This Quarter	This Year to Date	Last Year to Date	% Change
49	49	38	+28

Complaints	
Closed	Pending
49	22

Personnel Background Investigations			
This Quarter	This Year to Date	Last Year to Date	% Change
77	77	58	+32

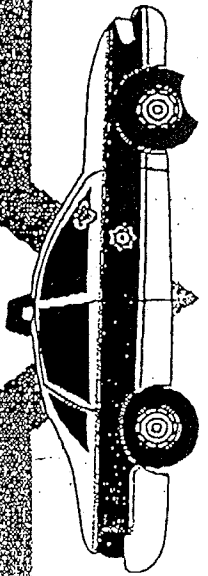
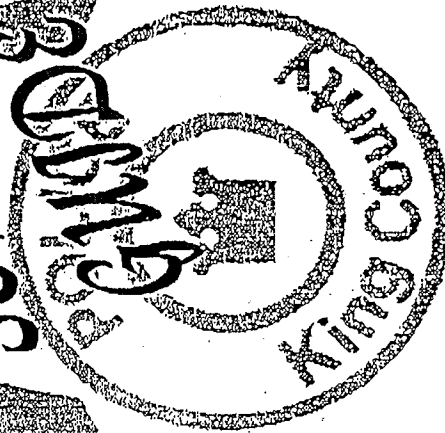
Business License Investigations			
This Quarter	This Year to Date	Last Year to Date	% Change
525	525	686	-19

*Resigned

KING COUNTY

POLICE

CUSTOMER SERVICE



FOR POLICE,
FIRE,
OR MEDICAL
EMERGENCY RESPONSE

DIAL
9 1 1

FOR NON EMERGENCY CALLS
TO THE KING COUNTY POLICE

296-3311 OR 1-800-344-4080

Patrol Commander	296-7522
Recinct 2 - Kenmore	296-5020
Recinct 3 - Maple Valley	296-3883
Recinct 4 - Burien	296-3333
Recinct 5 - Federal Way	296-2720

Criminal Investigations Division	296-7549
Internal Investigations Unit	296-4200
Traffic Enforcement	296-3853
Domestic Violence Orders	296-3800
Sheriff-Director	296-4155

TDD Relay 1-800-883-6388

PLACE
POSTAGE
HERE

SHERIFF JAMES MONTGOMERY
KING COUNTY DEPARTMENT OF PUBLIC SAFETY
ROOM W116, KING COUNTY COURTHOUSE
516 THIRD AVENUE
SEATTLE, WASHINGTON 98104

Ex. D

A COMMITMENT TO QUALITY SERVICE

The men and women of the King County Police are committed to delivering the highest level of service to the people of King County. The purpose of this guide is to provide information on how to access the service that you need, how to follow up on the service that you received, how to comment on or compliment good service, and how to address concerns about service or lodge a complaint.

IF YOU HAVE AN EMERGENCY

If you need a response by the police, the fire department, or medic units,

CALL 9-1-1

An emergency call receiver will ask specific questions designed to quickly identify the nature of your call so that it can be routed to the proper response service.

NON-EMERGENCY CALLS

To report suspicious activity or to have a general question answered, call 296-3311. The non-emergency call receiver may take a report, answer your question or direct you to the unit or agency that can assist you.

TO FIND OUT ABOUT THINGS YOU HAVE REPORTED

Copies of police reports can be obtained by visiting our Records Unit in person or by mail King County Courthouse, 516 Third Seattle 98104. Please call the Records 36-4190 before you come in and refer to number, if known. These procedures are that we follow all Public Disclosure Act guidelines.

HOW WAS THE SERVICE WE PROVIDED?

If you have questions or comments about the service you received, ask to speak to a supervisor or direct a letter to the commander of the appropriate unit. To inquire about a case, contact the detective or unit having investigative responsibility. Your local precinct handles investigations that include burglary, theft and vandalism. The Criminal Investigations Division handles incidents of homicide, robbery, sexual assault, vice and narcotics violations. Phone numbers to the most commonly called units are listed on the last page of this guide. Additional numbers are listed in the Government (blue pages) section of your phone book. Call 296-3311 if you cannot find the number you are looking for or need additional assistance.

COMPLAINT PROCESS

Complaints against members of the King County Police can be made by contacting any supervisor at any King County Police facility or by contacting the Internal Investigations Unit, Monday through Friday between 8:00 a.m. and 4:30 p.m. at 296-4200. An investigator will receive and discuss your complaint. If your concern appears to involve inappropriate action on the part of the employee, a formal investigation will be initiated. At the conclusion of the investigation, you will receive a letter from a Department official explaining the outcome. Complaints arising from the validity of a traffic citation or criminal arrest are most properly adjudicated by the court of jurisdiction and likely will not be investigated by the Department.

If a complaint is not resolved to your satisfaction, complaints may also be filed with the King County Ombudsman, Office of Citizen Complaints at 296-3452.

This information is available in
alternative formats upon request.

The King County Police Department appreciates your sharing of comments and concerns with us. In this manner, we can strengthen or modify programs and procedures to ensure the best possible service to our community.

have the following concerns or comments:

My name and address (optional):

My phone #:

Date:

